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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 WILLIE SAMPSON,

7 Petitioner,

8 v.

9 PERRY RUSSELL, *et al.*,

10 Respondents.
11

Case No. 3:20-cv-00615-MMD-WGC

ORDER

12 In this habeas corpus action, the Court appointed counsel—the Federal Public
13 Defender for the District of Nevada (FPD)—for Petitioner Willie Sampson, and counsel
14 appeared for Sampson on December 3, 2020. (ECF Nos. 3, 5.) On September 29, 2021,
15 Sampson filed an amended petition for writ of habeas corpus. (ECF No. 16.) Respondents
16 are due to respond to the amended petition by November 29, 2021. (ECF No. 6.)

17 On October 13, 2021, Sampson, acting *pro se*, filed a motion to dismiss counsel.
18 (ECF No. 19.) In that motion, he complains that his counsel have not sufficiently
19 investigated his case and have not sufficiently presented the evidence, and he requests
20 that his counsel be replaced. (*Id.* at 2.) On October 25, 2021, Sampson filed a document
21 that essentially restates and adds to his motion for discharge and substitution of his
22 appointed counsel. (ECF No. 21.)

23 On October 19, 2021, the Court ordered Sampson's counsel to respond, under
24 seal, to his motion. (ECF No. 20.) On November 15, 2021, Sampson's counsel filed a
25 response under seal as ordered. (ECF No. 22.) In that response, Sampson's counsel
26 describes investigation that was done regarding claims Sampson wished to raise, and
27 counsel explains why certain claims were, or were not, included in the amended petition.
28

1 (*Id.* at 2-5.) In view of that filing by Sampson's counsel, the Court determines that
2 replacement of Sampson's counsel is not warranted in the interests of justice. *See Martel*
3 *v. Clair*, 565 U.S. 648, 652 (2012) ("interests of justice" standard applies to motions for
4 substitution of counsel in both capital and noncapital habeas cases). The Court will deny
5 Sampson's motion to discharge and substitute his appointed counsel. The Court will *sua*
6 *sponte* extend the time for Respondents to respond to Sampson's amended petition.

7 It is therefore ordered that Sampson's *pro se* motion to discharge and substitute
8 counsel (ECF Nos. 19, 21) is denied.

9 It is further ordered that Respondents' will have until January 14, 2022, to respond
10 to Sampson's amended petition for writ of habeas corpus. (ECF No. 16.)

11 It is further ordered that Respondents' Motion for Clarification and Request for New
12 Scheduling Order (ECF No. 23) is denied as moot.

13 DATED THIS 22nd Day of November 2021.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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